

Decision 06-04-013 April 13, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Mr. Move Moving & Storage, Inc., a California corporation, doing business as Load Rock N Roll Moving and Storage, Right Now Moving and Storage, Same Day Moving, Short Notice Moving and Storage, A All-American Relocation, Load Lock N Roll, Long Beach Security Storage, Mister Move, and its president, Eli Galam,

Respondents.

Investigation 05-04-019
(Filed April 21, 2005)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is April 21, 2006. The proceeding cannot be resolved by that date due to reopening the record to consider events subsequent to submission.

Need for Extension

Evidentiary hearings were held on September 21-23, 2005. The record was closed and this proceeding submitted for consideration by the Commission with the filing of reply briefs on November 21, 2005.

On December 9, 2005, the Commission's Consumer Protection and Safety Division (CPSD) moved to reopen the record in this proceeding. CPSD stated that new evidence in the form of declarations from two customers showed that

respondents were engaged in “continued, serious violations of the law,” including allegations of property theft, major property damage, criminal vandalism, and inadequate supervision. Respondents opposed receiving the declarations into evidence on several procedural and substantive grounds. CPSD filed additional supplemental information on January 20, 2006, and requested that it also be included in the record.

For good cause shown, the assigned Administrative Law Judge (ALJ) granted CPSD’s motion on February 16, 2006, and set an evidentiary hearing for March 14, 2006.

The post-hearing procedural schedule will likely include briefing, followed by a proposed decision with a 30-day comment period prior to Commission action. Consequently, the proceeding cannot be completed by April 21, 2006, as required by the statute. Therefore, the Commission must extend the statutory deadline. An additional six months should be sufficient to complete the proceeding. The statutory deadline is therefore extended to October 23, 2006.¹

Waiver of Comment Period

Under Rule 77.7(f)(4) of the Commission’s Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

¹ October 21, 2006 falls on a Saturday, so the deadline is extended to the next business day, October 23, 2006.

Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Maribeth Bushey is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. This proceeding was initiated on April 21, 2005.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before April 21, 2006, unless this date is extended.
3. The current schedule allows insufficient time to resolve this proceeding before the 12-month statutory deadline runs.
4. This proceeding cannot be completed within the 12-month period due to reopening to the record.
5. No party opposes the extension of the 12-month statutory deadline in this proceeding.

Conclusion of Law

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended, effective immediately, to October 23, 2006.

IT IS ORDERED that the 12-month statutory deadline in this proceeding, April 21, 2006, is extended to October 23, 2006.

This order is effective today.

Dated April 13, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners